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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,545	04/14/2000	Shawn Scotzin	REALNET.055A	8286

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EXAMINER

FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
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2615

NOTIFICATION DATE	DELIVERY MODE
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08/06/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

09/550,545

Applicant(s)

SCOTZIN ET AL.

Examiner

Andrew C. Flanders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 91-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 91-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 91 – 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dell (Optiplex G1 w/ Windows 98 installed).

Regarding **Claim 91**, Dell discloses:

An electronic device for communication with a user (i.e. the PC), comprising:

- a processor (i.e. a Pentium processor)
- a computing platform including a graphical user interface (i.e. the windows 98 software and optiplex display);
- a computer storage medium (i.e. hard drive)
- a plurality of music render nodes indicating music renderers and indicating encoding requirements (i.e. Windows explorer includes a tree called 'network neighborhood' [see the Network Neighborhood Icon troubleshooting paper attached], this network neighborhood indicates other PCs that are connected to the main PC a user is using. It is notoriously well known and obvious to use PCs to play music, and thus these networked PCs displayed under 'network neighborhood' in windows explorer

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meet this limitation. Further, to transfer music files to these computers, a network connection must be made and the information formatted to meet the communication protocol. Thus, to communicate, the two computers must establish a connection and indicate requirements for data transfer, thus meeting the indicating encoding requirements limitation);

a plurality of item nodes (i.e. the various files/folders displayed in windows explorer).

Dell does not disclose that the plurality of nodes are indicative of music item classifications.

However, it is notoriously well known to store music files (for example mp3 files) and manage them using windows explorer. A user can name and thereby organize any of the folder names or file names either by song or artist or any combination of both. For an example, one can name the folder after the artist and then place the mp3 files of the artist under that folder or one can name it after an album or any other particular designation and place the mp3 files of that album under that folder. This is well known in the art and the main organizational feature of windows explorer. The tutorial even suggests that related materials should be placed together in folders (page 2).

Renaming and naming the folders by artist or album is simple even for the most inexperienced user. Dwek discloses an example well known in the art of organizing music files in a hierarchical manner under artist, album genre and playlist categories (Fig. 3A). It would have been obvious to one of ordinary skill in the art to group the like

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music files together under common folders and subfolders for the purpose of locating the files in an easy manner (page 2 of the tutorial).

The modification further discloses:

a set of software instructions comprising:

displaying a hierarchical graphical library tree that graphically depicts the plurality of music renderer nodes and the plurality of music item nodes (i.e. Windows explorer showing the network neighborhood w/ other connected PCs and the various MP3 files stored in folders);

receiving a user-indicated request to move a subset of the plurality of music item nodes from a first location (i.e. a folder or file on the local PC) in the hierarchical graphical library tree to one of the plurality of music renderer nodes (i.e. one of the networked PCs under the network neighborhood tree) in the hierarchical graphical library tree; and

automatically encoding the subset of the plurality of music items to meet the encoding requirements of the one of the plurality of music renderer nodes (i.e. conforming the folder/files to the network protocol to be transferred over to the other PCs).

Regarding **Claim 92**, in addition to the elements stated above regarding claim 91, Dell further discloses:

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an input device comprising at least one of a keyboard, a roller ball, a pen, a stylus, a touch screen, a microphone and a mouse (i.e. inputs to Dell such as the mouse or keyboard).

Regarding **Claim 93**, in addition to the elements stated above regarding claim 91, Dell further discloses:

an output device operative to display the hierarchical graphical library tree (i.e. Dell's monitor).

Regarding **Claim 94**, in addition to the elements stated above regarding claim 91, Dell further discloses:

wherein the music renderer nodes represent at least one of a stationary device, a stereo system, a portable device, a Diamond RIO, a RCA Lyra, a portable radio, and a personal display adapter (i.e. the networked computer which meets both stationary device and stereo system; or a networked laptop computer which meets a portable device).

Regarding **Claim 95**, in addition to the elements stated above regarding claim 91, Dell further discloses:

wherein the set of software instructions further comprises displaying on the output device the hierarchical graphical tree that graphically depicts the moved subset

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of the plurality of music item nodes (i.e. windows 98 which includes windows explorer as shown on Dell's monitor).

Claims 96 – 101 are rejected for the same reasons as claims 91 – 95 as stated above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hanm (EP 0 982 732) which discloses an MP3 player connectable to a computer for file transfers including a GUI with a hierarchical file structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7546. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SINH TRAN
SUPERVISORY PATENT EXAMINER

acf